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Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 205554

December 7, 2009

Re: Comments – NBP Public Notice #19
GN Docket Nos. 09-47, 09-51, 09-137

Dear Ms. Dortch:

The Federal Communications Commission's (FCC) November 13, 2009 Public Notice (Notice) requests comments on the role of the Universal Service Fund (USF) and Intercarrier Compensation in the National Broadband Plan. The following represents the responses on behalf of the New York State Chief Information Officer/Office for Technology (CIO/OFT) to questions #6 and #7.

High-Cost Funding Oversight

Appropriate oversight and accountability mechanisms should be in place to minimize waste, fraud and abuse and to ensure that recipients of any broadband high-cost support use the funds as envisioned.

The Commission should at a minimum require submission of reports on a semi-annual basis on the same timetable as the Form 477 submission. In addition to compliance with the Commission's existing reporting requirements for broadband, the Commission should consider the evaluation criteria employed by the Department of Commerce, National Telecommunications and Information Administration and the Department of Agriculture, Rural Utilities Service for the Broadband Technology Opportunities Program such as terms of any interconnection agreements, traffic exchange relationships and terms, broadband equipment purchases, total and peak utilization of access links, any changes or updates to their network management practices, average end-user and middle mile megabit speeds, number of entities subscribing to the broadband service and, the number of broadband connections provided to each entity. The initial report shall establish baselines for each item and the subsequent filings should note changes from the baseline data. Field inspections would be highly recommended because they would enable the Commission to evaluate the various deployments and establish "best of breed" to serve as model for other communities.

Lifeline/Link Up

Devices necessary for a low-income broadband program should be owned by the broadband provider in the same manner that providers supply cable boxes to subscribers. The consumer would be required to obtain and return the equipment to the provider upon entering or exiting the program. Consumers opting to purchase the equipment from the provider should be allowed to purchase the equipment on a depreciated value basis.

The program equipment supplied by the provider should meet standard access requirements and be preloaded with an operating system to enable consumers to access necessary word processing type functionality online through cloud computing providers at no fee. The Commission should establish minimum functional requirements such as processing speed, memory, and monitor size. The functional requirements should be manufacturer agnostic. The Commission should establish a workgroup comprised of broadband providers, device manufacturers, and digital literacy experts to determine the minimum specifications for supported devices as well as a process for evaluating such minimum specifications as technology evolves.

The eligibility requirements for such a program should be the same as the eligibility criteria for the existing low-income program. If the eligibility requirements are the same, current subscribers in the existing low-income program should be automatically enrolled in the low-income broadband program. The Commission should define "household" and "head of household" for purposes of determining eligibility for any low-income broadband program that the Commission might establish using the definitions that are currently used for the existing low-income program.

A newly-established federal low-income broadband program should work in concert with existing and/or future state low-income broadband programs by looking to existing state low-income programs to identify populations, regions, and providers that could participate in and benefit from a federal low-income broadband program. The cooperation between the states and the Commission regarding the existing state and federal low-income programs could serve as a model for federal-state cooperation in the context of a federal low-income broadband program.

If the Commission establishes a low-income broadband program, such a program would impact the current enrollment levels in the existing Lifeline and Link Up programs. Optimally current recipients of Lifeline and Link Up programs would migrate to the federal low-income program with the telephone service being provided through VoIP with the additional access to broadband services.

The Commission can protect against waste, fraud, and abuse in any low-income broadband program it establishes by working with providers to evaluate the programs and protocols they use for equipment provided to consumers such as cable boxes. In addition, the Commission can ensure that consumers cannot obtain the same supported service from two different providers by advising recipients of the program benefits of the programs requirements and restrictions and that failure to comply with such requirements and restrictions could result in loss of such benefit.

Respectfully submitted,



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